

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

No. 1:14-cv-00884-PJK-LF

ROARK-WHITTEN HOSPITALITY 2, LP
d/b/a Whitten Inn, and
SGI, LLC, d/b/a El Camino Lodge,

Defendants.

ORDER TO OBTAIN AN ATTORNEY

THIS MATTER comes before the Court following remand from the Tenth Circuit. *See* Doc. 245. The Court set a status conference that took place on June 6, 2022. Docs. 246, 248. Nobody appeared on behalf of defendant Roark-Whitten Hospitality 2, LP (“RW 2”)¹ at the status conference. Counsel for SGI informed the Court that Patrick Rogers, attorney of record for RW 2, passed away earlier this year. Doc. 248. Mr. Rogers was a sole practitioner,² and no other attorney has entered an appearance on behalf of RW 2.

Pursuant to the Court’s local rules, “[a] corporation, partnership or business entity other than a natural person must be represented by an attorney authorized to practice before this Court.” D.N.M.LR-Civ. 83.7. RW 2 is a corporation, partnership, or business entity other than a natural person that must be represented by an attorney authorized to practice before this Court. Accordingly, the Court will give RW 2 the opportunity to obtain counsel.

¹ The Tenth Circuit affirmed the district court’s dismissal of the EEOC’s claims against Jai Hanuman, LLC, and Jai is no longer a party to this case. Doc. 251-1.

² *See* <http://patrogerslaw.com/About.aspx> (last visited 6/7/2022).

In accordance with the New Mexico Rules of Professional Conduct every attorney must have a written succession plan. N.M. R. PROF'L. COND. 16-119; *see* D.N.M. LR-Civ. 83.8 (N.M. Rules of Professional Conduct apply). The Court has not been advised of Mr. Roger's succession plan and does not have contact information for an attorney who will be taking over this case on behalf of RW 2. The Court was provided an address for Mr. Whitten in 2017 by his former attorney S. Charles Archuleta of Keleher & McLeod, P.A. Doc. 177.

IT IS THEREFORE ORDERED that new counsel must enter an appearance on behalf defendant Roark-Whitten Hospitality 2, LP, no later than **July 8, 2022**. The failure to obtain new counsel by July 8, 2022, may result in sanctions, up to and including a recommendation to the presiding judge that it be prevented from presenting any evidence or argument with respect to compensatory damages.

The Clerk is directed to mail a copy of this order to Mr. Whitten's last known address:

Roark-Whitten Hospitality 2, LP
c/o Larry T. Whitten, President
P.O. Box 150
Abilene, TX 79604

and email a copy to whitteninnexpo@yahoo.com, Mr. Whitten's the last known email address.

IT IS SO ORDERED.



Laura Fashing
United States Magistrate Judge